

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LOUIS NOWLIN,

Plaintiff,

Case No.: 20-cv-2470

-against-

MOUNT SINAI HEALTH SYSTEM,

Defendant.

**DECLARATION OF
JOSHUA FRIEDMAN**

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I, **JOSHUA FRIEDMAN**, am an attorney licensed by the State of New York and admitted to practice in the United States District Court of the Southern District of New York, do hereby certify the following:

1. I am an Associate with the firm, Phillips & Associates, PLLC, the attorneys for Plaintiff, Louis Nowlin, (“Plaintiff”) in the above-entitled action, and as such, am fully familiar with the facts and circumstances contained herein.
2. I submit this Declaration in Opposition to Defendant Mount Sinai Health System’s (“Defendant”) Motion for Summary Judgment.
3. Attached hereto as Exhibits are the following:
 - a. Exhibit A – Transcript of Plaintiff’s Deposition, taken on January 27, 2021;
 - b. Exhibit B – Relevant Excerpts from the Deposition of Ann McNicholas, taken on April 29, 2021;
 - c. Exhibit C – Relevant Excerpts from the Deposition of Dr. Saadi Ghatan, taken on May 6, 2021;
 - d. Exhibit D – Job Listing for Physician Assistant Neurosurgery Nights, bearing Bates Stamp Numbers L. Nowlin 000346-348;

- e. Exhibit E – Emails between Plaintiff and Ann McNicholas, dated April 2, 2018 and bearing Bates Stamp Numbers D00453-459;
- f. Exhibit F – Email from Nefertidi Linton to Ann McNicholas, dated May 9, 2018 and bearing Bates Stamp Number D00391;
- g. Exhibit G – Email from Plaintiff to Ann McNicholas, dated May 22, 2018 and bearing Bates Stamp Number L. Nowlin 000275;
- h. Exhibit H – Email from Anne Donnelly Bush to Ann McNicholas, dated May 24, 2018 and bearing Bates Stamp Numbers L. Nowlin 000276-282;
- i. Exhibit I – Plaintiff's 2017 Performance Review, bearing Bates Stamp Numbers D00128-135;
- j. Exhibit J – Email from Ann McNicholas to Norman Werner, dated August 2, 2018 and bearing Bates Stamp Number D00502;
- k. Exhibit K – Email from Plaintiff to Salvatore LaVecchia, dated June 15, 2018 and bearing Bates Stamp Numbers L. Nowlin 000398-402;
- l. Exhibit L – Email from Plaintiff to Ann McNicholas, dated July 4, 2018 and bearing Bates Stamp Numbers D00299-300;
- m. Exhibit M – Performance Improvement Plan, dated July 12, 2018 and bearing Bates Stamp Numbers D00115-119;
- n. Exhibit N – Email from Plaintiff to Norman Werner, dated August 1, 2018 and bearing Bates Stamp Numbers L. Nowlin 000381-382;
- o. Exhibit O – Letter from Ann McNicholas to Plaintiff, dated August 9, 2018 and bearing Bates Stamp Numbers D00484-485;
- p. Exhibit P – Emails between Plaintiff and Ann McNicholas, dated August 20, 2018

through August 28, 2018 and bearing Bates Stamp Numbers L. Nowlin 00363-365;

- q. Exhibit Q – Letter from Dr. Saadi Ghatan to Plaintiff, dated July 17, 2019 and bearing Bates Stamp Number L. Nowlin 000001; and
- r. Exhibit R – Email from Leslie Schlachter to Plaintiff’s Work Email, dated June 24, 2019 and bearing Bates Stamp Numbers D00508-509.

WHEREFORE, for the reasons set forth in accompanying Memorandum of Law, Plaintiff respectfully requests that the Court deny Defendant’s Motion for Summary Judgment.

Dated: Garden City, New York
August 9, 2021

Respectfully Submitted,

/s/ Joshua Friedman
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